

Mail Stop Interference  
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Paper 1  
Entered: June 29, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Human Genome Sciences Inc.,**  
Junior Party,  
(Application 11/537,681,  
Inventors: Ying-Fei Wei, Brent L. Kreide, and  
Craig A. Rosen),

v.

Wei Wang, Kurt C. Gish, Thomas J. Schall,  
Alain Vicari, and Albert Zlotnik ,  
Senior Party,  
(Patent 6,723,520).

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Patent Interference 105,697 (RES)  
Technology Center 1600

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**DECLARATION – 37 CFR §41.203(d)**

- 1 An interference is declared (35 U.S.C. § 135(a)) between the above-
- 2 identified parties. Details of the application(s), patent (if any), reissue application
- 3 (if any), count and claims designated as corresponding or as not corresponding to
- 4 the count appear in Parts E and F of this DECLARATION.

1           **Part A. Judge managing the interference**

2           Administrative Patent Judge Richard E. Schafer has been designated to  
3        manage the interference. 37 CFR § 41.104(a).

4           **Part B. Standing order**

5           A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
6        DECLARATION. The STANDING ORDER applies to this interference.

7           **Part C. Initial conference call**

8           A telephone conference call to discuss the interference is set for **4:00 p.m.**  
9        **on August 25, 2009** (the Board will initiate the call).

10          No later than **two business days** prior to the conference call, each party shall  
11        file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR § 41.120 & 204;  
12        SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

13          A time periods for taking action during the motion phase are set in an order  
14        accompanying this declaration.

15           **Part D. Identification and order of the parties**

16           **Junior Party**

17          Named inventors:           Ying-Fei Wei, Berkley, CA  
18                                      Brent L. Kreide, Bedford, MA  
19                                      Craig A. Rosen, Laytonsville, MD

20          Involved Application:    11/537,681 filed October 2, 2006

21          Title:                     Antibodies to Chemokine Beta-15

22          Assignee:                Human Genome Sciences, Inc.

23           **Senior Party**

24          Named Inventors:        Wei Wang, Palo Alto, CA  
25                                   Kurt C. Gish, Sunnyvale, CA  
26                                   Thomas J. Schall, Menlo Park, CA  
27                                   Alain Vicari, Mountain View, CA  
28                                   Albert Zlotnik, Palo Alto, CA

3 Title: Mammalian Chemokine Reagents

4 Assignee: No assignment of record

5 The senior party is assigned exhibit numbers 1001-1999. The junior party is  
6 assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1. The  
7 senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

## 8 Part E. Count and claims of the parties

## Count 1

10 A method for detecting a polypeptide selected from chemokine β-15 or TECK  
11 in a biological sample comprising contacting the biological sample with an  
12 antibody or fragment thereof that specifically binds to a polypeptide defined by (1)  
13 Seq. ID No. 2 of Application 11/537,681 or (2) Sequence ID No: 4 of Patent  
14 6,723,520 or (3) an antigenic fragment of (1) or (2) to form a complex and  
15 detecting the complex.

16 The claims of the parties are:

17 Application 11/537,681: Claims: 19-44

18 Patent 6,723,520: Claims: 1-22

19 The claims of the parties that correspond to Count 1 are:

20 Application 11/537,681: Claims: 19-44

21 Patent 6,723,520: Claims: 1-22

22 The claims of the parties that do not correspond to Count 1, and therefore are  
23 not involved in the interference, are:

24 Application 11/537,681: Claims: None

25 Patent 6,723,520: Claims: None

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**Benefit**

2       The parties are accorded the following benefit for Count 1:

3              Human Genome Sciences, Inc.: None

4              Wang et al. : None

5   **Part F. Heading to be used on papers**

6       The following heading must be used on all papers filed in this interference,

7   see SO ¶ 106.1.1:

Filed on behalf of: *Party @*  
By: *Counsel Name(s) @*  
*Address @*  
(@@@) @@@- @@@@ (telephone)  
(@@@) @@@- @@@@ (facsimile)

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Technolgy Center 1600

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1           **Part G. Order form for requesting file copies**

2       When requesting copies of files, use of SO Form 4 will greatly expedite  
3       processing of the request. Please attach a copy of Parts D and E of this  
4       DECLARATION with a hand-drawn circle around the patents and applications for  
5       which a copy of a file wrapper is requested.

/Richard E. Schafer/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Copy U.S. Patent 6,723,520  
Copy of claims of Application 11/537,681

cc (via overnight delivery):

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